

REMARKS

The invention relates to a process for preparing nondusting free-flowing pigment concentrates with removal of the water from pigment suspensions comprising polymers and dispersants in a fluidized bed drier. The resulting bead-form pigment concentrates are nondusting and readily free-flowing. The invention further provides for the use of pigment concentrates prepared in this way for coloring plastics and polymers.

The Examiner is thanked for the courtesy of an extremely helpful telephonic interview, which was conducted on October 21, 2003. The Amendment is directly responsive to that interview.

Entry of this Amendment is requested as it is directly responsive to the telephonic interview and it is believed that it places the application in condition for allowance.

It is believed that no fee is required for the consideration of this Amendment. If, however, a fee is due, the Assistant Commissioner is authorized to charge such fee, or credit any overpayment to Deposit Account 50-0320.

This Amendment amends the specification and makes minor changes to claims 5 and 14. As discussed during the interview, it is urged that claim 14 is free of prior art since it excludes the extrusion or grinding or milling steps that are employed to the prior processes found in the art (see pages 1 and 2 of the specification) by virtue of the fact comminution cannot occur in a spray drier. Further support for this difference between the prior art and the inventive process is seen in comparative Examples 1 to 3, which all use a grinding step. It is noted with appreciation that the Examiner would give favorable consideration to this claim.

The amendments to the specification and the claims overcome the various objections to the claims found on pages 2 and 3 of the outstanding Office Action. With respect to the objection

to the drawing upon further study indicates that 4 refers to the product leaving the chamber.

Further, support for “aqueous pigment presscake” is found on page 6, line 4 of the specification.

Claims 1 to 13 stand rejected under 35 USC §103(a) for allegedly being unpatentable over WO 95/31507 to Wolbrink *et al.* (“Wolbrink”) in view of Bäbler. Reconsideration of this rejection is requested. It is urged that as Wolbrink does not suggest the inventive process since this publication discloses a process that requires a milling step in which pigment particles are communited in the presence of an aqueous binder to form a stable paste or suspension. Bäbler does not correct the deficiency since it is directed to a different composition that does not include, for example, a pulverulent carrier.

Wolbrink discloses a pigment concentrate which comprises comminuting pigment particles in the presence “of an aqueous binder to form a stable paste or suspension, said paste or suspension formed being subjected to a drying treatment, and the pigment concentrate being collected” (see Abstract). In the paragraph bridging pages 3 and 4, Wolbrink indicates “a paste or suspension is stable if a particle size of less than 15  $\mu\text{m}$  is obtained, such a particle size is preferably produced with the use of a beadmill.”

The present invention does not include a step wherein the pigment particles are comminuted or pulverized as required in Wolbrink. In the inventive process a pulverizing or grinding step is excluded. This results from the fact that the mixture is sprayed into a fluidized bed drier wherein grinding cannot take place. Thus, Wolbrink teaches away from the present invention. Bäbler does not correct for the deficiencies found in Wolbrink since the invention is directed to a different invention. As acknowledged in the rejections, for example, Bäbler does not disclose or suggest a pulverulent polymer carrier. Hence, the prior publication does not suggest a process for preparing a pigment concentrate which consists of mixing an aqueous

pigment presscake, optionally at least one wetting agent, at least one dispersant, and at least one pulverulent polymer carrier and spraying the mixture obtained in a fluidized drier, wherein the water is removed. Moreover, Bäbler does not suggest a pigment concentrate which contains a polymer carrier. Accordingly, the rejection does not establish a *prima facie* case of obviousness and its withdrawal is requested.

Favorable action is earnestly solicited.

Respectfully submitted,

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